

SQUAMISH INDIAN BAND

BYLAW NO. 15

A BYLAW TO AMEND THE SQUAMISH INDIAN
BAND FISHING BYLAW, 1977, NO 10

W H E R E A S, it is in the interest of conservation of chinook salmon that Fishing bylaw 1977 No. 10 be amended to introduce temporary restrictions on fishing within Squamish Indian Band Waters, and to provide the means for the regulation of such fishing in response to changing local conditions.

The Band Council of the Squamish Indian Band enacts as follows:

1. Effective on the coming into force of this Bylaw subsection 1(a) of Fishing Bylaw 1977 No. 10 (hereinafter referred to as "Bylaw No. 10") is revoked and replaced by the following:

1(a) "Squamish Indian Band Waters" means all streams, rivers, channels, lakes, ponds and any other tidal or non-tidal bodies of water situated on, upon, or within any Reserve set aside for the use and benefit of the Squamish Indian Band, and, without limiting the generality of the foregoing, includes any place determined by law to be a Fishery forming part of any such Reserve.

2. Effective on the coming into force of this Bylaw, subsection 1(b) of Bylaw No. 10 is revoked and replaced by the following:

"1(b) "Fish" means, when used as a noun, all marine and fresh water animals, and, without limiting the generality of the foregoing, includes shellfish and crustaceans, and, when used as a verb, means to catch fish, or to attempt to catch fish, by any method."

3. Effective on the coming into force of this Bylaw, Section 4 of Bylaw No. 10 is revoked and replaced by the following:

4(a). Salmon fry, parr and smolt shall not at any time be fished, caught or killed.

4(b). No salmon or grilse of less weight than .8 of one kilogram shall be caught or killed, except by angling with hook and line.

4. Sections 5, 14 and 16 of Bylaw No. 10 are, effective upon the coming into force of this Bylaw, repealed.

5. Sub-section 1 of Bylaw No. 10 is amended by addition of the following sub-sections:

(g) "Jack Chinook" means a chinook salmon weighing five kilograms or less.

(h) "Fishery Officer" means a Fishery Officer appointed pursuant to Section 3.

(i) "Jigging" means fishing by the use of a hook or hooks attached to a line and drawn through the water for the purpose of catching fish.

(j) "Person" means any natural Persons, corporation, and, except where stated otherwise, any Persons who is a member of the Squamish Indian Band.

6. Bylaw No. 10 is amended by the addition of the following as Section 5:

5. No Person shall fish with Squamish Indian Band Waters except as permitted by this Bylaw.

7. Effective on the coming into force of this Bylaw, Section 6 of Bylaw No. 10 is revoked and replaced by the following:

6. Subject to Sections 4, 7, 9, 10, 11, 24, 25, 26, 27, and 29, and to such variations or restrictions as may be made or established pursuant to Section 14, members of the Squamish Indian Band shall be permitted to engage in fishing within Squamish Indian Band Waters at any time and by any means except by the use of spear guns, explosive materials, rockets, combustibles, projectiles, shells or like substances.

8. Section 8 of Bylaw No. 10 is revoked and replaced by the following:

8.(a) Subject to subsection (2), the Band Council may, without incurring liability to the owner or occupier thereof, cause any slide, dam obstruction or thing detrimental to fish life to be removed or destroyed.

(b) Band Council shall, before causing any slide, dam, obstruction or any other thing detrimental to fish to be removed or destroyed, give reasonable notice to the

owner or occupier thereof to remove at his expenses.

(c) Subsection (2) does not apply if the owner or occupier is not resident in Canada, or his exact place of residence is unknown to Band Council.

(d) Where Band Council causes any slide, dam, obstruction or any other thing detrimental to fish to be removed or destroyed, after giving notice to the owner or occupier thereof, Band Council may recover from the owner or occupier all reasonable expenses of removal or destruction.

9. Bylaw No 10 is amended by the introduction of the following as Section 14.

14. The Band Council may impose temporary variations or restrictions on fishing by Persons authorized by this Bylaw to fish within Squamish Indian Band Waters in accordance with the following procedures:

- (a) notice of a variation or restriction shall be posted not less than 24 hours prior to the variation or restriction becoming effective,
- (b) that notice shall specify the date and time the variation or restriction is to commence and to cease, and the particulars of the variation or restriction.

(c) the notice shall be in a form approved by Band Council, and shall be posted:

(i) in a conspicuous place at or near the fishing site where the variation or restriction is applicable, and

(ii) at the offices of the Band Council,

(d) no variation or restriction imposed under this section shall remain in force for a period of more than seven days, unless a further variation or restriction is imposed and further notice is given in accordance with paragraphs (a), (b) and (c).

10. Bylaw No 10 is amended by:

(a) the deletion of the word "regulation" from Section 15, and the replacement of the word "regulation" with the words "or of any regulation" from Section 20.

11. Bylaw No. 10 is amended by the introduction of the following as Section 16:

16. Any Person who violates any provision of this Bylaw is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$1.000.00

12. Bylaw No. 10 is amended by the addition of the following sections:

22. No Person other than a Fishery Officer appointed hereunder may enforce this Bylaw without first obtaining the written authorization of Band Council.
23. Any Person who resists or wilfully obstructs a Fishery Officer is guilty of an offence.
24. Where, in the reasonable opinion of a Fishery Officer, the placing of nets or other fishing apparatus within Squamish Indian Band Waters unduly restricts the passage of fish, that Fishery Officer may order the removal or relocation of such nets or fishing apparatus by the Person or Persons in control thereof, and any Person so ordered shall comply with the direction of the Fishery Officer.
25. Any Fishery Officer may remove any net or fishing apparatus situated within Squamish Indian Band Waters when such Fishery Officer is of the opinion that the presence of such net or fishing apparatus unduly restricts the passage of fish.
26. Any Fishery Officer may inspect nets or other fishing apparatus situated within Squamish Indian Band Waters for the purposes of determining the number of fish caught within Squamish Indian Band Waters.

27. Notwithstanding anything in this Bylaw to the contrary, the following restrictions shall apply to all Persons fishing in Squamish Indian Band Waters:
- (a) subject to Section 30, no Person shall, between January 1, 1992 and December 31, 1992, fish in the Capilano River by means of a seine or gill net,
 - (b) subject to Section 28, no Person shall, between September 15, 1992 and November 15, 1992, fish in the Capilano River by means of Jigging,
 - (c) no Person shall, between August 1, 1992 and August 31, 1992, fish in the Squamish or Cheakamus Rivers by means of Jigging.
 - (d) no Person shall:
 - (i) between August 1, 1992 and August 31, 1992, fish for chinook salmon, other than Jack Chinook, in the Squamish or Cheakamus Rivers,
 - (ii) subject to Section 28, between September 2, 1992 and October 31, 1992, fish for chinook salmon, other than Jack Chinook, in the Capilano River.
28. The restrictions set out in sub-sections 27(b) and 27(d) (ii) will terminate and be of no further effect on the date that:

- (a) the Capilano Fish Hatchery has received an adequate stock of Chinook Salmon for spawning, or;
 - (b) the date that any Person other than a person who is a member of the Squamish Indian Band may fish for salmon in the waters of Burrard Inlet or the Capilano River, without contravening any regulation made under the authority of the Fisheries Act RS. c.F-14, s.1, whichever occurs first.
29. Any Person who inadvertently catches a chinook salmon, other than a Jack Chinook, while the restrictions in sub-section 27(d) are in effect shall:
- (a) handle that salmon in a manner which minimizes harm to it, and
 - (b) forthwith release the salmon to the waters from which it was taken.
30. A Fishery Officer may authorize the catch of salmon by the use of a seine or gill net for the purpose of the supply of brood stock to any facility operated by the Squamish Indian Band for the enhancement of salmon stocks and to the Capilano Fish Hatchery operated by the Federal Department of Fisheries and Oceans.

31. A Fishery Officer appointed hereunder may undertake such salmon enhancement measures as may from time to time appear necessary, subject to the prior approval of the Band Council in the event that such measures require the expenditure of monies not already provided for in the annual budget of the Band.
32. In the event that any section or sections of the Bylaw are found by a court of competent jurisdiction to be invalid, such section or sections shall be severable, and the remaining sections shall remain in full force and effect.

This Bylaw is hereby enacted at a duly convened meeting of the Council of the Squamish Indian Band at which a quorum of the Councillors of the Band are present and voting in favour of this Bylaw, this ~~22nd~~ day of July, 1992.

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Chief	Chief	Chief
<u>Ann Whorrock</u>	<u>Dennis Joseph</u>	
Councillor	Councillor	Councillor
<u>Leslie Farny</u>	<u>Bryan Joseph</u>	<u>Gwen Harvey</u>
Councillor	Councillor	Councillor
	<u>Frank a Riven</u>	
Councillor	Councillor	Councillor
<u>R. L. Williams</u>		
Councillor	Councillor	Councillor
<u>Gary Strong</u>		
Councillor		